

(xiii) उधार लेने या उधार देने के अपने क्रियाकलापों में किसी नई भागीदारी व्यवस्था की प्रविष्टि नहीं करेगी;

(xiv) उक्त निधि या पारस्परिक फायदा सोसाइटी में सावधि जमा या आवर्तित जमा के रूप में या स्वर्ण, रजत, आभूषण या स्थावर सम्पत्ति की प्रतिभूति दिए बिना कोई नया ऋण या अग्रिम नहीं देगी;

(ख) इस अधिसूचना के प्रकाशन के पश्चात् ऐसी कोई निधि या पारस्परिक फायदा सोसाइटी—

(i) यह सुनिश्चित करेगी कि किसी भी समय उसकी सदस्य संख्या एक हजार सदस्य से घटकर कम न हो;

(ii) कानूनी लेखा संपरीक्षक से यह प्रमाणित करने हुए कि इसने इस अधिसूचना में विनिर्दिष्ट निर्देशों का पालन किया है और लेखा के मान्यताप्राप्त सिद्धान्तों के अनुसार अपने लेखा वही का अनु-रक्षण किया है। प्रत्येक वर्ष एक प्रमाणपत्र अभि-प्राप्त करेगी।

2. इस अधिसूचना के खंड (क) के उपखंड (i) से (xiv) तक और खंड (ख) उपखंड (i) और (ii) में विनिर्दिष्ट निर्देश अधिसूचना के प्रकाशन से पूर्व और पश्चात् जहां तक संभव हो, उक्त अधिनियम की धारा 620क के अधीन निधि या पारस्परिक फायदा सोसाइटी के रूप में घोषित प्रत्येक कंपनी को लागू होंगे।

[फा. सं. 3/10/95-सीएल 5]

आर. डी. जोशी, संयुक्त सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Company Affairs)

NOTIFICATION

New Delhi, the 4th December, 1995

G.S.R. 773 (E).—In exercise of the powers conferred by sub-section (i) of section 637A of the Companies Act, 1956 (1 of 1956), the Central Government hereby directs that—

(a) no company declared as a Nidhi or Mutual Benefit Society under section 620A of the said Act, before the date of this notification (hereinafter referred to as such Nidhi or Mutual Benefit Society)

shall, after the publication of this notification,—

(i) carry on the business of chit fund, hire purchase, insurance or any business in shares or debentures.

(ii) open any new branch in place outside the local limits of the District wherein its Registered Office is located,

(iii) open any new current account with its members,

(iv) admit as member any body corporate or trust,

(v) issue any new equity shares of nominal value exceeding rupees ten,

(vi) issue any further preference shares,

(vii) issue any new shares to any select group of persons other than bonafide deposits,

(viii) acquire control of any other company by way of acquisition of shares, or by composition of the Board of Directors of such company,

(ix) allow use of its name by any other body corporate whose main object is to earn profit by borrowing and lending,

(x) enter into any financial dealing with any person other than its members,

(xi) take further deposits from or lend further money to any body corporate,

(xii) carry on any business other than the business of borrowing or lending in its own name,

(xiii) enter into any new partnership arrangement in its borrowing or lending activities,

(xiv) give any new loans or advances without the security in the form of fixed deposits or recurring deposits with the said Nidhi or Mutual Benefit Society or gold, silver, jewellery or immovable property;

(b) every such Nidhi or Mutual Benefit Society shall, after the publication of this notification—

(i) ensure that its membership is not reduced to less than one thousand members at any time,

(ii) obtain a certificate every year from the statutory auditors certifying that it has complied with the directions specified in this notification and has maintained its books of account according to recognised principles of accounting.

2. The directions specified in sub-clauses (i) to (xiv) of clause (a) and sub-clauses (i) and (ii) of

clause (b) of this notification shall, as far as may be apply to every company declared as a Nidhi or Mutual Benefit Society under section 620A of the said Act on or after the publication of this notification.

[File No. 3/10/95-CL.V]

R. D. JOSHI, Jt. Secy.

